

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

JAYSEN PATTERSON,

Plaintiff,

v.

ROMEO ARANAS, *et al.*,

Defendants.

Case No. 2:18-cv-02191-JAD-BNW

ORDER

**I. DISCUSSION**

Before the Court are multiple motions filed pro se by Plaintiff in this civil rights action.

***A. Motion to Amend and Motions to File Extended Complaints***

On November 14, 2018, Plaintiff, a pro se prisoner, submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 along with a motion for leave of court to file an extended complaint. (ECF No. 1-1, 2.) On March 12, 2019, Plaintiff filed a motion for leave of court to file an amended complaint and extended complaint and included a first amended complaint. (ECF No. 5, 5-1). The Court grants Plaintiff's March 12, 2019 motion to file an extended and amended complaint (ECF No 5). The Court denies the November 14, 2018 motion for leave of court to file an extended complaint (ECF No. 2) as moot because Plaintiff has replaced the original complaint with the first amended complaint.

1                   **B. Motion for Judicial Notice**

2                   Plaintiff has filed a motion for this Court to take judicial notice of decisions from the  
3                   District of Massachusetts and the Eastern District of Pennsylvania for purposes of  
4                   screening Plaintiff's complaint. (ECF No. 4). In the motion, Plaintiff essentially asks this  
5                   Court, for purposes of screening the complaint, to accept the analysis and legal  
6                   conclusions in two district court decisions regarding the nature of gender dysphoria and  
7                   the applicability of the Americans with Disabilities Act to gender dysphoria.<sup>1</sup> (*Id.* at 2-6).

8                   A court “may judicially notice a fact that is not subject to reasonable dispute  
9                   because it: (1) is generally known within the trial court's territorial jurisdiction; or (2) can  
10                  be accurately and readily determined from sources whose accuracy cannot reasonably  
11                  be questioned.” Fed.R.Evid. 201 (emphasis added). When a court is determining  
12                  whether a complaint states a claim, the court may not take judicial notice of another  
13                  court's opinion for the truth of the facts cited in that opinion. *Lee v. City of Los Angeles*,  
14                  250 F.3d 668, 690 (9th Cir. 2001); *see also M/V Am. Queen v. San Diego Marine Const.*  
15                  *Corp.*, 708 F.2d 1483, 1491 (9th Cir. 1983) (holding that a court may not take judicial  
16                  notice of judicial proceedings or records in order to supply facts essential to support a  
17                  contention or cause before it).

18                  Thus, it would be inappropriate for the Court to take judicial notice of other courts'  
19                  factual findings, legal analysis, or legal conclusions regarding the nature of gender  
20                  dysphoria and regarding whether the Americans with Disabilities Act may provide  
21                  protection for persons with gender dysphoria. The Court therefore denies the motion for  
22                  judicial notice. As with all screening orders, when screening Plaintiff's first amended  
23                  complaint, the Court will accept as true the factual allegations in the complaint and  
24

25  
26  
27                  

---

<sup>1</sup> In particular, Plaintiff wishes to have the Court rely on these cases for purposes of screening Counts 2  
28                  and 3 of the original complaint. (*Id.* at 4.) That complaint is no longer the operative complaint as Plaintiff  
                has filed the first amended complaint. The Court assumes, however, that Plaintiff wishes to have the Court  
                adopt the findings, analysis, and conclusions of the two cases for purposes of screening the first amended  
                complaint.

1 consider the applicable law to determine whether Plaintiff states colorable claims. See  
2 *Warshaw v. Xoma Corp.*, 74 F.3d 955, 957 (9th Cir. 1996).

3 **C. *Motions Re: Expert Witness and Mental Health Records***

4 Plaintiff has filed a motion to appoint an independent expert witness to establish  
5 the relevant standard of care for transgender inmates and to assist the court and jury in  
6 understanding the impact of gender dysphoria on a person's mental health and the need  
7 for Plaintiff to be treated by a medical professional that is not associated with the Nevada  
8 Department of Corrections. (ECF No. 6.) Plaintiff also has filed a motion for an order to  
9 allow Plaintiff to review and obtain certain mental health records for purposes of  
10 presenting evidence in support of the claims in this action. (ECF No. 7.)

11 As discussed above, at the screening stage, the Court accepts a plaintiff's  
12 allegations as true. Plaintiff's first amended complaint has not yet been served. The case  
13 is still in the screening stage and is not yet at the point in the proceedings where discovery  
14 or the presentation of evidence to the court or a jury is appropriate. The Court therefore  
15 denies these motions as premature without prejudice to Plaintiff renewing such motions  
16 at the appropriate time.

17 **II. CONCLUSION**

18 For the foregoing reasons, IT IS ORDERED that Plaintiff's March 12, 2019 motion  
19 to file an extended and amended complaint (ECF No 5) is granted.

20 IT IS FURTHER ORDERED that the November 14, 2018 motion for leave of court  
21 to file an extended complaint (ECF No. 2) is denied as moot.

22 It is further ordered that Plaintiff's motion for judicial notice (ECF No. 4) is denied.

23 It is further ordered that Plaintiff's motion for an independent expert (ECF No. 6)  
24 and Plaintiff's motion for mental health records (ECF No. 7) are denied as premature  
25 without prejudice to Plaintiff renewing those motions at the appropriate time.

26 DATED: September 10, 2019

27   
28 UNITED STATES MAGISTRATE JUDGE